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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,707	07/12/2001	Jeff N. Maggioncalda	59036-249737	4572

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MINNEAPOLIS, MN 55402-3901

EXAMINER

DIXON, THOMAS A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/904,707

Applicant(s)

MAGGIONCALDA ET AL. *ST*

Examiner

Thomas A. Dixon

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13, 20-25, 28, 29 and 34-78 is/are pending in the application.
- 4a) Of the above claim(s) 14-19, 26, 27 and 30-33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13, 28, 29, 52-60 and 70-78 is/are allowed.
- 6) ☒ Claim(s) 1-10, 20-25, 34, 35, 43, 44, 61, 62, 64 and 65 is/are rejected.
- 7) ☒ Claim(s) 36-42, 45-51, 63, 66-69 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendments / Arguments***

1. Claims 18, 19, 26,27, and 30-33 have been cancelled. Claims 1-13, 20-25, 28-29, 34-78 remain.
2. The title submitted 01/07/03 is acceptable.
3. The terminal disclaimer submitted 09/22/03 is acceptable.
4. An updated search revealed Williams et al (5,999,918) which is applied below.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 64, 65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the phrase "said determining" lacks antecedent basis, it may be that they properly depend from claim 63.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-10, 20-25, 34-35, 43-44, 61-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al (5,999,918).

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As per Claim 1, 20, 23.

Williams et al ('918) discloses:

displaying a set of one or more input objects, the input objects to receive input decisions including an indication of a target retirement age, an indication of a target level of investment risk or an indication of retirement income goal, see figure 6a (retirement age 65), 6d-e (risk and return confidence), and 6c (retirement income needs \$6,667);

displaying a set of output values, the set of output values including an indication of the probability of achieving the retirement income goal and an indication of the most likely retirement income in current dollars based upon one or more input decisions and a recommended set of financial products, see figure 1d (53%);

receiving an updated input decision via one or more of the input objects, see figure 1d (Drag the slider to see how your contribution affects your plan, 18);

determining one or more new output values to reflect the one or more new output values, see figure 1e;

refreshing the set of one or more output values to reflect the one or more new output values, see figure 1e (20).

As per Claim 3, 24.

Williams et al ('918) further discloses the target retirement is constrained to be feasible, see figure 6a (standard retirement 66, at what age do you plan to retire 65).

As per Claim 4, 21, 44.

Williams et al ('918) further discloses displaying the recommended set of financial products, the recommended set of financial products conditional on the one or more input decisions, see figure 1f.

As per Claim 5.

Williams et al ('918) further discloses displaying a recommended allocation of wealth among those of the financial products in the recommended set of financial products, see figure 1f.

As per Claim 6, 22.

Williams et al ('918) further discloses the recommended allocation of wealth is conveyed graphically, see figure 1f.

As per Claim 7.

Williams et al ('918) discloses:

receiving a retirement income goal from the user, see figure 6c (retirement income needs \$6,667);

receiving a plurality of input decisions from the user, including at least an indication of a target retirement age and an indication of a target level of investment risk, upon which a probability distribution is dependent, the probability distribution

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representing a set of possible future portfolio values based upon the plurality of input decisions, see figure 6a (retirement age 65), 6d-e (risk and return confidence);

determining a probability of achieving the retirement income goal, see figure 1d;  
and

displaying the probability of achieving the retirement income goal to the user, see figure 1d.

As per Claim 8, 25.

Williams et al ('918) further discloses a graphical input mechanism, see figure 1e and risk as an input to the determination of the efficient frontier, see figures 7a-c.

As per Claim 9.

Williams et al ('918) further discloses displaying the recommended set of financial products and a recommended allocation of wealth among the financial products in the set of recommended financial products, see figure 1f.

As per Claim 10, 62.

Williams et al ('918) further discloses displaying the probability of achieving the income goal graphically, see figure 1d (20).

As per Claim 34.

Williams et al ('918) discloses:

receiving an indication of a retirement income goal for a particular investor, see figure 6c (retirement income needs \$6,667);

displaying a set of one or more input objects, the input objects to receive input decisions including an indication of a target retirement age and an indication of a target level of investment risk, see figure 6a (retirement age 65), 6d-e (risk and return confidence);

displaying a set of one or more output values, the set of output values including an indication of the probability of achieving the retirement income goal and an indication of the most likely retirement income in current dollars based upon one or more input decisions and a recommended set of financial products, see figure 1d.

As per Claim 35.

Williams et al ('918) further discloses:

displaying a representation of the recommended allocation of wealth by graphically depicting relative allocations of wealth among those of the financial products of the set of financial products in the recommended portfolio, see figure 1f.

As per Claim 43.

Williams et al ('918) further discloses:

receiving an indication of a financial goal of a particular investor; see figure 6c (retirement income needs \$6,667);

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receiving input decisions that relate to tradeoffs in connection with pursuing the financial goal, the input decisions comprising an indication of a time horizon that is acceptable to the particular investor, an indication of a level of investment risk that is acceptable to the particular and that is constrained to be within a feasible set of risk that is attainable by a particular investor via a set of financial products that are available to the particular investor for investment and an indication of a level of savings that is acceptable to the particular investor, see figure 6a (retirement age 65), 6d-e (risk and return confidence) and 6c (your contribution \$8,233);

determining a recommended portfolio of one or more financial products from the set of financial products that are available to the particular investor based upon the input decisions, see figure 1f;

determining the probability of the particular investor achieving the financial goal based upon a probability distribution representing a set of possible future portfolio values of the recommended portfolio upon expiration of the time horizon by evaluating the cumulative probability that meets or exceeds the financial goal, see figure 1d;

providing feedback regarding the likelihood of achieving the financial goal in view of the input decisions by displaying an indication of the probability of the particular investor achieving the financial goal in response to receipt of the input decisions, see figure 1d (53% chances).

As per Claim 61.

Williams et al ('918) further discloses:

determining a recommended allocation of wealth among a set of financial products that are available for investment by a particular investor, see figure 1f, the set of financial products comprising one or more mutual funds, said determining based upon (a) a financial goal identified by the particular investor, and (b) input decisions relating to variables involved in pursuing the financial goal, the input decisions comprising an indication of a time horizon that is acceptable to the particular investor, an indication of a level of investment risk that is acceptable to the particular investor, and an indication of a level of savings that is acceptable to the particular investor, see figures 6a-d;

graphically depicting the recommended allocation of wealth among the one or more financial products of the set of available financial products, see figure 1f.

### ***Allowable Subject Matter***

7. Claims 2, 36, 45, 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 11-13, 28-29, 45-60, 70-78 are allowable.

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9. The following is an examiner's statement of reasons for allowance:

As per Claim 2.

Edesess (5,884,287) in view of Baird (5,220,500) does not disclose or fairly teach:

a subset of the one or more input objects and a subset of the one or more output values are displayed concurrently on the same screen.

As per Claim 11.

Edesess (5,884,287) in view of Baird (5,220,500) does not disclose or fairly teach:

concurrently displaying input objects in a first portion of a screen, the input objects configured to receive one or more input decisions including level of risk, and a set of one or more output values in a second portion of the screen, the set of output value including the short-term risk associated with reach a financial goal.

As per Claim 28, 52.

Edesess (5,884,287) in view of Baird (5,220,500) does not disclose or fairly teach:

a step of displaying one or more input objects in a first portion of a first screen and displaying one or more output values in a second portion of the first screen.

As per Claim 36, 45, 63.

Edesess (5,884,287) in view of Baird (5,220,500) does not disclose or fairly teach:

identifying a relationship between future returns of each financial product of the set of financial products and future returns of combinations of one or more factor asset classes of a set of factor asset classes by determining each financial product's effective asset mix with respect to the set of factor asset classes.

As per Claim 70, 78.

Edesess (5,884,287) in view of Baird (5,220,500) does not disclose or fairly teach:

identifying a relationship between future returns for each financial product of a set of financial products and future returns of combinations of one or more factor asset classes of a set of factor asset classes by determining each financial product's effective asset mix with respect o the set of asset classes.

The claims that depend from the above allowed claims are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

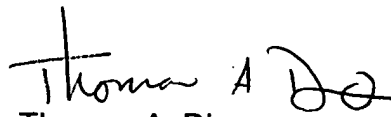
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas A. Dixon  
Primary Examiner  
Art Unit 3629

September 04